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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No.

12 **PATRITSIA PEKKER,**
13 **A.K.A. PATRITSIA SNEGINA, A.K.A. PATRITSIA**
14 **ORLOVA, A.K.A. PATRITSIA PUKOVA**
15 **636 SAN ANTONIO ROAD # 207**
16 **PALO ALTO, CA 94306**
17 **REGISTERED NURSE APPLICANT**

STATEMENT OF ISSUES

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
22 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about July 31, 2009, the Board of Registered Nursing, Department of
25 Consumer Affairs, received from Patritsia Pekker, a.k.a. Patritsia Snegina, a.k.a. Patritsia Orlova,
26 a.k.a. Patritsia Pukova (Respondent) a Request For Reapply/Repeat Examination for a Registered
27 Nurse License. On or about July 28, 2009, Patritsia Pekker certified under penalty of perjury to
28

1 the truthfulness of all statements, answers, and representations in the application. The Board
2 denied the application on November 4, 2010.

3 JURISDICTION

4 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 4. Section 475 of the Code states, in relevant part:

8 "(a) Notwithstanding any other provisions of this code, the provisions of this division shall
9 govern the denial of licenses on the grounds of:

10 "(1) Knowingly making a false statement of material fact, or knowingly
11 omitting to state a material fact, in an application for a license.

12 "(2) Conviction of a crime.

13 "(3) Commission of any act involving dishonesty, fraud or deceit with the intent to
14 substantially benefit himself or another, or substantially injure another.

15 "(4) Commission of any act which, if done by a licentiate of the business or profession in
16 question, would be grounds for suspension or revocation of license."

17 STATUTORY PROVISIONS

18 5. Section 2736 of the Business and Professions Code (Code) provides, in relevant part,
19 that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant
20 has committed any acts constituting grounds for denial of licensure under section 480 of that
21 Code.

22 6. Section 480 of the Code states, in relevant part:

23 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
24 one of the following:

25 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
26 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
27 board is permitted to take following the establishment of a conviction may be taken when the
28 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when

1 an order granting probation is made suspending the imposition of sentence, irrespective of a
2 subsequent order under the provisions of Section 1203.4 of the Penal Code.

3 ~~"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially~~
4 ~~benefit himself or herself or another, or substantially injure another.~~

5 "(3)(A) Done any act that if done by a licentiate of the business or profession in question,
6 would be grounds for suspension or revocation of license.

7 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is
8 substantially related to the qualifications, functions, or duties of the business or profession for
9 which application is made."

10 "(b) Notwithstanding any other provision of this code, no person shall be denied a license
11 solely on the basis that he or she has been convicted of a felony if he or she has obtained a
12 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
13 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
14 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
15 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
16 Section 482."

17 7. Section 2761 of the Code states, in relevant part:

18 "The board may take disciplinary action against a certified or licensed nurse or deny an
19 application for a certificate or license for any of the following:

20 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

21 ...

22 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
23 functions, and duties of a registered nurse, in which event the record of the conviction shall be
24 conclusive evidence thereof."

25 8. Section 493 of the Code states:

26 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
27 the department pursuant to law to deny an application for a license or to suspend or revoke a
28 license or otherwise take disciplinary action against a person who holds a license, upon the

1 ground that the applicant or the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, and duties of the licensee in question, the record of conviction of the
3 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
4 and the board may inquire into the circumstances surrounding the commission of the crime in
5 order to fix the degree of discipline or to determine if the conviction is substantially related to the
6 qualifications, functions, and duties of the licensee in question.

7 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
8 'registration.'"

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**
10 **(Unprofessional Conduct)**
11 **(Bus. & Prof Code §§ 480(a)(2) & 480(a)(3)(A))**

12 9. Respondent has subjected her application for a Registered Nurse License to denial
13 under Code section 480, subdivision (a)(2) and (a)(3)(A), for committing an act involving
14 dishonesty and fraud, which, if done by a registered nurse, would be grounds for disciplinary
15 action for unprofessional conduct. The circumstances are as follows:

16 10. On or about July 13, 2009, Respondent was arrested in Mountain View, California for
17 petty theft. Respondent was placed under private person arrest by Costco loss prevention staff for
18 shoplifting. Specifically, Respondent shoplifted a portable hard drive from Costco. Respondent
19 admitted to a Mountain View Police Officer that she stole the item.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**
21 **(Conviction of Crime)**
22 **(Bus. & Prof. Code §§ 480(a)(1) and 2761(f))**

23 11. Respondent has subjected her application for a Registered Nurse License to denial
24 under Code sections 480, subdivision (a)(1) and 2761, subdivision (f), in that she was convicted
25 of a crime substantially related to the qualifications, functions, or duties of a registered nurse.
26 Specifically, on or about February 8, 2010 in a criminal proceeding entitled *The People of the*
27 *State of California v. Patritsia Pekker*, in the Santa Clara County Superior Court, Case Number
28 BB941930, Respondent was convicted by a plea of no lo contendere of one count of violating
California penal Code 415.1 (Malice/disturb people by loud noise), a misdemeanor. Respondent

1 was placed on court probation and ordered to pay fines and fees. The basis of the criminal
2 violation is explained in paragraph 10, above.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**
4 **(Unprofessional Conduct)**
5 **(Bus. & Prof. Code §§ 2761(a))**

6 12. Respondent has subjected her application for a Registered Nurse License to denial
7 under Code section 2761, subdivision (a), in that she acted unprofessionally when she was cited
8 by a Mountain View Police Officer for violating California Vehicle Code section 4461,
9 subdivision (c). The circumstances are as follows:

10 13. On or about January 16, 2008, Respondent drove to a Wells Fargo Bank and parked in
11 a disabled person parking spot when she went into the bank. A Mountain View Police Officer
12 noticed the car parked in the disabled persons parking space and noticed that the car did not have
13 a disabled persons placard visible in the car. Respondent exited the bank and spoke with the
14 officer. Respondent obtained a valid disabled persons placard from the car and showed it to the
15 officer. However, Respondent is not disabled and she told the officer that the disabled placard
16 was not hers but for her mother, who was not present at the bank. The officer issued a citation to
17 Respondent for violating California Vehicle Code section 4461, subdivision (c) (misuse of a
18 disabled persons placard), a misdemeanor.

19 14. On or about April 4, 2008 in a proceeding entitled *The People of the State of California*
20 *v. Patrissia Pekker*, in the Santa Clara County Superior Court, Case Number BB832192,
21 Respondent was convicted by a plea of no lo contendere of one count of violating California
22 Vehicle Code 22507.8 (parking in a designated parking space for disabled people), an infraction.
23 Respondent was ordered to pay fines and fees in the amount of \$932.50. The conduct underlying
24 the infraction is explained in paragraph 13, above.

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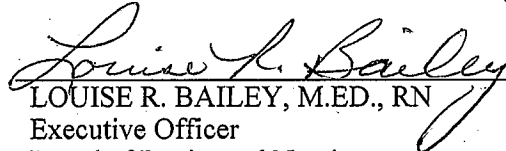
1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Statement of Issues, and that following the hearing, the Board of Registered Nursing issue a
4 decision:

5 1. Denying the application of Patritionsa Pekker, a.k.a. Patritionsa Snegina, a.k.a. Patritionsa
6 Orlova, a.k.a. Patritionsa Pukova for a Registered Nurse License;

7 2. Taking such other and further action as deemed necessary and proper.

8 DATED: _____

9 
10 LOUISE R. BAILEY, M.E.D., RN
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant

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